IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TEXARKANA DIVISION

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DEVONTA D. HENDERSON

Plaintiff

V.

Case No. 5:24cv24-RWS-JBB

BOWIE COUNTY JAIL, ET AL.

Defendant

ORDER

Plaintiff Davonta D. Henderson, an inmate of the Bowie County Jail proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. Docket No. 1. The lawsuit was referred to the United States Magistrate Judge. Docket No. 3. On February 27, 2024, Plaintiff was ordered to pay, within thirty days, an initial partial filing fee of \$30.00 or show good cause why he could not do so, in accordance with 28 U.S.C. §1915(b). Docket No. 4. Plaintiff acknowledged receipt of the order on February 29, 2024. Docket No. 6. Plaintiff failed to comply with the order.

Therefore, on July 22, 2024, the Magistrate Judge issued a Report and Recommendation, recommending that the above lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 8. Plaintiff received a copy of this Report on July 25, 2024, but has filed no objections. Docket No. 9. Accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this cause and the Report and Recommendation of

¹ Plaintiff was also ordered to file, within thirty days, a short and plain statement setting forth Plaintiff's claims, on a standard §1983 lawsuit form. Docket. No. 5. Plaintiff's amended complaint was filed March 12, 2024. Docket No. 7.

the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 8) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court.

So ORDERED and SIGNED this 27th day of August, 2024.

ROBERT W. SCHROEDER III

UNITED STATES DISTRICT JUDGE

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